

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

MICHELLE VANEVERY, Derivatively on
Behalf of OCULAR THERAPEUTIX, INC.,

Plaintiff,

v.

AMARPREET SAWHNEY, CHARLES
WARDEN, RICHARD L. LINDSTROM,
JASWINDER CHADHA, BRUCE A.
PEACOCK, JEFFREY S. HEIER, W.
JAMES O'SHEA, ERIC ANKERUD,
JAMES GARVEY, GEORGE MIGAUSKY,
and W. BRADFORD SMITH,

Defendants,

-and-

OCULAR THERAPEUTIX, INC., a
Delaware corporation,

Nominal Defendant.

Case No. 1:18-cv-10199-GAO

Honorable George A. O'Toole, Jr.
Courtroom 9, 3rd Floor

**JOINT STIPULATION AND [PROPOSED] ORDER VOLUNTARILY
DISMISSING ACTION WITHOUT PREJUDICE**

Pursuant to Rules 23.1(c) and 41(a) of the Federal Rules of Civil Procedure, plaintiff Michelle VanEvery ("Plaintiff"), defendants Amarpreet Sawhney, Charles Warden, Richard L. Lindstrom, Jaswinder Chadha, Bruce A. Peacock, Jeffrey S. Heier, W. James O'Shea, Eric Ankerud, James Garvey, George Migausky, and W. Bradford Smith (the "Individual Defendants"), and nominal defendant Ocular Therapeutix, Inc. ("Ocular" or the "Company") (together with the Individual Defendants, "Defendants"), by and through their respective counsel, respectfully request the Court enter an Order granting Plaintiff's request to voluntarily dismiss the above-captioned action without prejudice. In support thereof, the parties state as follows:

WHEREAS, pursuant to a Stipulation dated August 20, 2018, the parties agreed to stay all proceedings in this Action pending a decision on a motion to dismiss a factually related consolidated securities class action that was pending in this Court, captioned *In re Ocular Therapeutix, Inc. Securities Litig.*, No. 1:17-cv-12288-GAO (D. Mass.) (the “Securities Class Action”);

WHEREAS, the Court entered an Order staying this Action on September 4, 2018;

WHEREAS, pursuant to an Opinion and Order dated April 30, 2019, the Court dismissed the Securities Class Action;

WHEREAS, on April 9, 2020, the First Circuit affirmed the dismissal of the Securities Class Action;

WHEREAS, the parties have met and conferred and have agreed that this Action should be dismissed without prejudice, with each party to bear his, her, or its own fees and costs incurred in connection with this litigation; and

WHEREAS, the parties submit that notice to Ocular stockholders of this dismissal is unnecessary because the stipulated dismissal is without prejudice; no compensation in any form has passed directly or indirectly from any of the Defendants to Plaintiff or Plaintiff’s counsel; no promise to give any such compensation has been made; and the dismissal is without prejudice to the ability of Ocular or other Ocular shareholders (including the plaintiffs in pending derivative actions in the United States District Court for District of Delaware and the Superior Court for the Commonwealth of Massachusetts) to pursue claims.

NOW THEREFORE, the parties STIPULATE and AGREE and request that the Court enter an Order approving the voluntarily dismissal of this Action pursuant to Rules 23.1(c) and 41(a) of the Federal Rules of Civil Procedure, as follows:

1. The above-captioned action is dismissed without prejudice, with the parties to bear their own costs and fees.

IT IS SO STIPULATED.

DATED: October 16, 2020

ROBBINS LLP

/s/ Steven R. Wedeking

STEVEN R. WEDEKING

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Attorneys for Plaintiff

DATED: October 16, 2020

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Attorneys for Defendants

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED:

HONORABLE GEORGE A. O'TOOLE, JR.
U.S. DISTRICT COURT JUDGE

CERTIFICATE OF SERVICE

I certify that on October 16, 2020, I served a true and correct copy of the foregoing Joint Stipulation and [Proposed] Order Voluntarily Dismissing Action Without Prejudice in the above-captioned matter using the CM/ECF system, which will send notification of such filing to counsel of record for all parties.

/s/ Steven R. Wedeking
STEVEN R. WEDEKING

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